

# United States Senate

WASHINGTON, DC 20510

December 4, 2006

The Honorable Kevin J. Martin  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Dear Chairman Martin:

We write about the Notice of Inquiry Regarding Broadcaster Service to the Needs and Interests of their Communities (MB Docket No. 04-233), (the localism proceeding), at the Federal Communications Commission (FCC) that some of us have raised before with you. This proceeding was initiated in 2003 by the Commission following its issuance of revised media ownership rules on June 2, 2003. We would like to follow up on some public statements that you have made regarding the direction of the localism proceeding and to specifically seek a commitment that it will be expeditiously completed.

When the localism proceeding was commenced, the FCC created a Localism Task Force, and announced its intent to hold six hearings and to issue recommendations regarding broadcasters' responsibilities to serve their local communities.

The hearings were not completed, only four of the six were held, and there has been no report or recommendations issued by the Localism Task Force or the FCC. We understand from some public comments that you have made that you intend to gather the comments that were submitted in the localism proceeding and incorporate them into the media ownership inquiry, while going no further with the specific localism proceeding.

This potential course of action would cause us grave concern. The localism proceeding is, and should be, a distinct proceeding, and the hearings should be completed and specific findings and recommendations should be made. Furthermore, no changes should be made to the media ownership rules until the localism proceeding has been completed.

As you know, we were greatly concerned about the new media ownership rules that the FCC issued on June 2, 2003, and the resulting consolidation that they would have allowed. The Third Circuit Court of Appeals shared many of these concerns and as a result the FCC is currently again reviewing how the rules might be revised. This proceeding is of the utmost importance to the American people and stands to greatly affect what they see, hear and read. It is for that reason that we feel strongly that this proceeding must be conducted in a deliberative, informed, and open manner.

A critical component to any changes to the ownership rules is an understanding of the ways in which broadcasters currently are serving their local communities. In any

proceeding involving broadcast licenses, the FCC is governed by the guidance contained in the 1934 Communications Act to serve the public interest, convenience and necessity.

The FCC must first establish that there are sufficient mechanisms in place to ensure that broadcasters are serving their local communities before considering any changes to the ownership rules. Folding the comments or any part of the inquiry into the media ownership proceeding simply is not sufficient to thoroughly address the important issues that need to be addressed on localism, and it is precisely for that reason that a separate inquiry was commenced. We ask that you commit to completing the localism inquiry and to providing a report and recommendations through a Notice of Proposed Rulemaking before any steps are taken on revising the ownership rules.

Furthermore, we understand that as part of the localism proceeding a \$350,000 study was commissioned regarding localism in radio, and that the data from that study has been submitted to your office for review. We ask that you provide a report on the status of this localism study and make the data available to Congress and the public to ensure transparency and independent review. There have been recently some questions regarding studies that were suppressed at the FCC and if there is a study or data that has been produced as a result of the localism proceeding, it should be made public.

Thank you for your consideration of our concerns and we look forward to a response and continuing dialogue on these issues.

Sincerely,

Byron G. Dorgan

Kent Lott

Dymally Lamm

Mark Boyer

Barbara Boxer

Bill Nelson

John F. Kerry

Maria C. Cantu

Frank R. Lautenberg

Cc: Commissioner Copps  
Commissioner Adelstein  
Commissioner Tate  
Commissioner McDowell